UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

In re Application of: Xie
Application No. 10/624,941
Filed: July 21, 2003
For: MANAGING NETWORK TRAFFIC
FLOW

**DECISION ON PETITION
TO MAKE SPECIAL
UNDER 37 C.F.R § 1.102(d) AND
M.P.E.P. §708.02 (XI)**

This is a decision on the petition to make special filed August 06, 2004 under 37 C.F.R. §1.102(d) and §708.02 (XI), Inventions for Countering Terrorism.

The petition is **DISMISSED**.

M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 1.102(d), states in relevant part:

> International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

> Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the Patent and Trademark Office to make the application special. **The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.**

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is generally directed to managing network traffic flow including

flagging traffic, detecting traffic content which matches a prescribed protocol, and transmitting traffic content when it is determined that certain content is absent in the network traffic.

Petitioner does not establish a sufficient nexus between the disclosed and claimed invention and preventing "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" or activities "that would be a criminal violation if committed within the jurisdiction of the United States or of any State", or preventing acts that appear to be intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government by assassination or kidnapping.
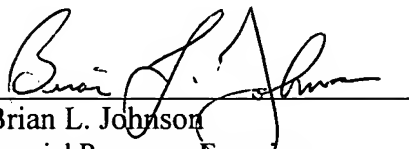
As a result, no advancement in the technology of countering terrorism has been persuasively shown in the petition.

In addition, the Fee Transmittal form with the appropriate fee set forth in 37 C.F.R. §1.17(h), referenced on page one of the petition, does not appear to be included with the submission, and thus has not been matched with the file.

Accordingly, the petition is **DISMISSED**. The application file is being returned to the examiner's docket to await further treatment on the merits in the normal order of examination.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. Applicants can file a request for reconsideration with specific recitations that directly prevent acts of terrorism.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

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